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## 1998 & 1999 — The Years in Review

### Milestones

During the past two years, there have been significant changes on both the Court of Appeals and the District Court.

In November 1999, the Court of Appeals lost one of its longest serving active members. After more than 20 years on the court — including five as Chief Judge — the Honorable Patricia M. Wald left to accept a judicial appointment to the war crimes tribunal at The Hague.

On the District Court, two active judges assumed senior status: Judge John Garrett Penn in March 1998 and Judge Stanley Sporkin in February 1999. (Judge Sporkin retired from the court in January 2000.) In addition, two new judges joined the bench. In July 1998, the Honorable Richard W. Roberts took the oath of office, and Judge Ellen Segal Huvelle was appointed to the court in October 1999. Also, Magistrate Judge Alan Kay was reappointed to a second term in September 1999.

Both courts mourned the loss of four highly respected senior colleagues. Circuit Judge Spottswood W. Robinson III died in October 1998. Judge Robinson served on the District Court from 1964 to 1966 and on the Court of Appeals from 1966 until his retirement in 1991. He was Chief Judge of the Court of Appeals from 1981 to 1986. In July 1999, District Judge Oliver Gasch passed away after serving more than 34 years on the court. District Judge Harold H. Greene, who had retired in late 1999 after more than 20 years on the bench, died in January 2000. On February 27, 2000, District Judge Aubrey E. Robinson, Jr., passed away. Judge Robinson was appointed to the District Court in 1966 and served as its Chief Judge from 1982 until 1992.

Changes also occurred among the senior staff of the circuit in 1998 and 1999. Jill Sayenga was elevated from Deputy Circuit Executive to Circuit Executive in January 1998, and Linda Elliott was appointed Deputy Circuit Executive in June 1998.

In August 1998, staff attorney Melissa M. Ryan became the Deputy Director of the Court of Appeals' Legal Division. In November 1999, District Court Clerk's Office employees Joseph Burgess and Angela Caesar-Mobley became Operations Managers after long-time staff member Sharon Moore retired. In addition, Federal Public Defender A.J. Kramer was reappointed to a four-year term in September 1998.

### Annex Construction



Chief Judge Edwards discussing the annex  
at a courthouse-wide forum

For the past seven years, the courts and the General Services Administration have been developing plans for the construction of an annex and the renovation of the E. Barrett Prettyman U.S. Courthouse. The design is complete, and ground breaking could take place as early as January 2001 — provided Congress authorizes the necessary construction funds.

Built in the late 1940s, the E. Barrett Prettyman U.S. Courthouse is no longer capable of meeting

the courts' security, space and technological needs. As verified by several independent studies, the annex project is the most cost-effective solution to the circuit's current and future space needs. In addition to preparing the courts for the next 30 years, it is the only solution that enables all courts of the circuit and their staffs to remain together in the courthouse, promoting efficient operations and convenient access for the public and bar.

During 1998 and 1999, the courts worked with the architectural team of Graves/SH&G to complete the design process. Michael Graves, the primary architect for the project, is widely recognized as one of the most innovative designers of the late twentieth century. The country's oldest architectural/engineering firm, Smith, Hinchman & Grylls (SH&G), also collaborated on the project. Together, they have designed a structure that promises to be both functional and aesthetically pleasing. Throughout the design process, the courts' primary concern has been that the project result in a functional, cost-effective facility appropriate for modern judicial operations.

With the design complete, the project is ready to move into the construction phase. The only remaining issue at the close of 1999 was whether adequate construction funds would be forthcoming in the fiscal year 2001 budget to bring this badly needed project to fruition.

## Advances in Technology

Implementation of state-of-the-art technology aimed at improving court operations continues to be a top priority for the D.C. Circuit. During 1998 and 1999, the courts made advances in establishing new systems that promote efficiency and enable the courts to communicate more effectively with the bar and the public.

In 1999 the Court of Appeals was one of two courts chosen by the Administrative Office of the U.S. Courts to assist in the development of a prototype appellate court case management and electronic filing program. In addition to providing the court with a new case management system, the program will eventually allow case filings to be submitted through the Internet. Subject to court

rules, up-to-the-minute docket information and electronic case documents will also be available to the public via the Internet.

The District Court was also tapped by the Administrative Office to participate in its electronic case management initiative. In 1999 the District Court, along with several other district courts, was selected to test a previously developed version of an electronic case management program for federal trial courts. Implementation should begin sometime in the first half of 2000.

In the meantime, in late 1999, both the Court of Appeals and the District Court installed Public Access to Court Electronic Records (PACER) on their Internet sites. PACER provides the public with a web-based method for obtaining docket information for active cases — a service that will eventually be available through the electronic case management programs.

Other improvements to the Court of Appeals' automation systems included the creation and implementation of a new case tracking and calendaring program; the installation of an updated version of software that allows judges to vote electronically on motions; the creation of a new version of "PACRATS," a comprehensive case management system for chambers; the implementation of a remote access system that enables judges and managers to connect to the court's automated systems from off-site locations; the conversion of internal operating programs to web-based formats; the installation of Realvideo capability on all desktop PCs to facilitate training efforts; and the reorganization of the court's public Internet site into a more user-friendly, searchable format.

For the District Court, the past two years brought a number of technological advances specifically designed to improve services to the public and the bar. Prime among these was the implementation of an Internet site providing electronic access to opinions, rules, court calendars, juror information, and various court publications. The District Court also installed a "fax on demand" phone system allowing users to obtain copies of commonly used court forms. This automated phone service, like its counterpart in the Court of Appeals Clerk's Office, saves litigants time, travel

expenses and mailing costs. In addition, the District Court began faxing copies of orders and notices to attorneys who waived service by mail. Participating counsel receive notice of case action sooner, postage costs are eliminated and processing time is shortened.

In another important initiative, the District Court implemented an automated jury management system. The system allows the Jury Office to maintain a database of all prospective jurors on the court's master wheel. Detailed information obtained from juror qualification questionnaires is scanned into the system enabling the Jury Office to keep more complete records and produce more tailored reports than was previously possible. The new reports save judges and lawyers significant time during jury selection.

The District Court also implemented an automated juror information system. This system allows prospective jurors to obtain individualized reporting instructions by telephone during their two-week term of service. With the new system, a potential juror enters his or her juror identification number and receives a personalized message in seconds. The system also provides a "wake up" call for every juror scheduled to report to the courthouse. Jurors appreciate this feature, and it has significantly reduced the number of individuals who fail to report for service.

Technological innovations also enhanced the internal operating efficiency of the District Court Clerk's Office. A records management system, allowing electronic check-out of case files, and an automated system of delivering calendars and reports to other court employees save time and resources.

Both the Court of Appeals and the District Court upgraded their physical facilities with cutting-edge technology in 1998 and 1999. The District Court installed a second electronic courtroom supplementing the one that went into operation in 1996. The new courtroom offers a variety of second-generation advancements including space-saving, flat-panel displays on all monitors; a touch-activated monitor allowing witnesses to mark electronic exhibits with the touch of a finger; and video-conferencing equipment integrating cameras, elec-

tronic visual-presenters and laptops to enable off-site individuals to participate in conferences and share documents with those in the courtroom.

In 1999 the Court of Appeals created a "smart room" — a high-tech video-conferencing, mediation and training facility. The room has state-of-the-art equipment, including voice-tracking cameras and an electronic overhead projector enabling conference participants to view documents in the



Staff training in the "smartroom"

possession of remote parties. With a smartboard and computers providing access to the court's network, the facility also serves as a classroom. This multi-purpose room has also been designed to accommodate mediation sessions involving multiple parties.

The Judges' Library also benefitted from technological innovation during the past two years. Acquisitions, serial control and cataloging are now handled electronically. In addition, the Library's various card catalogs were replaced by a single, integrated on-line catalog that judges and court staff can access from their desk-top computers. The public may access the catalog via computers located on each floor of the Library.

## Management Reforms, Strategic Planning and Other Improvements

### *Case Load Management*

The Court of Appeals continues to process motions and cases in the Legal Division of the Clerk's Office in an expeditious fashion. The Legal Division's Backlog Control Program, formerly known as the Backlog Reduction Program, allows oral presentation of simple motions and appeals to the court. The program saves time by eliminating unnecessary written memoranda. Since the program's inception in 1997, the Legal Division has consistently met the court's self-imposed 60-day turn-around requirement for matters presented both through the backlog control procedures and for matters requiring the preparation of formal memoranda. Notably, in 1999, the average time from the filing or due date of the last pleading to presentation to the court hovered near 30 days.

In 1998 and 1999, the Court of Appeals Clerk's Office successfully managed the filing and presentation of many sensitive, high-profile and sealed matters arising out of several Independent Counsel investigations. Under the direction of the court, the Clerk's Office also undertook a review of sealed records and pleadings in terminated cases to determine suitability for unsealing and retirement to the Federal Records Center.

In 1999 the District Court released a report assessing the impact of practices adopted as part of the 1993 *Civil Justice Expense and Reduction Plan*. Finding that there was little statistical evidence to demonstrate that implementation of the plan had any significant impact on case processing time, the report nevertheless noted that the plan serves as a reminder of the importance of case management and early judicial intervention in reducing unnecessary costs and delay.

### *Revisions to the Local Rules*

On May 6, 1999, the Court of Appeals adopted, on an interim basis, numerous revisions to its local rules. Although there were substantive modifica-

tions to some of the rules, many of the changes simply incorporated the December 1, 1998 amendments to the *Federal Rules of Appellate Procedure*. Attorney Maureen E. Mahoney of Latham & Watkins chaired the court's Advisory Committee on Procedures that drafted the revisions. The interim rules were adopted in final form, effective January 3, 2000. At the same time, the court issued a revised version of its *Handbook of Practice and Internal Procedures*.

The District Court also adopted several substantive amendments to its local rules in 1999. In addition, following the recommendation of the Judicial Conference of the United States, the rules were renumbered to correspond to the *Federal Rules of Practice and Procedure*. John Aldock chaired the District Court's Advisory Committee on Local Rules that drafted the changes.

Copies of both the Court of Appeals and District Court rules can be obtained from the clerk's office of each court, as well as from their respective Internet sites – [www.cadc.uscourts.gov](http://www.cadc.uscourts.gov) (Court of Appeals) and [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov) (District Court).

### *Improving Juror Services*

The District of Columbia Jury Project is a long-term collaborative effort involving the District Court, the District of Columbia Superior Court, the bar and the city's civic community. Under the auspices of this group, a committee was formed in 1996 to review and recommend changes to the federal and local jury systems in the District of Columbia. In 1998 the committee released its report, *Juries for the Year 2000 and Beyond*, which contained 32 recommendations. In addition to being considered by the local courts, many of the suggestions were adopted by other jury improvement efforts throughout the country. The District Court continues to collaborate with the D.C. Jury Project in efforts to educate the public about jury service, broaden the jury pool and improve the quality of life for jurors.

### *Training Initiatives*

In 1998 the District Court Clerk's Office developed a strategic training plan. The plan, which sets out training objectives for each year, is updated annually. Members of the Clerk's Office also attended a day-long off-site conference titled *Communicating and Dealing with People* and participated in *Leadership 2000*, a comprehensive eight-part training program sponsored by the Federal Judicial Center.

In 1999 staff members from the Circuit Executive's Office and the Court of Appeals Clerk's Office participated in a series of training sessions on structuring and implementing performance evaluation systems.

The Bankruptcy Court Clerk's Office held its first off-site training session in November 1998. For two days staff members learned about team building, communication and customer service. The sessions were facilitated by Professor Theodore Curry of the University of Michigan.

In 1998 the Probation Office, together with probation offices in the District of Columbia, Maryland and the Eastern District of Virginia, formed the Coalition Against Domestic Violence. The group's mission is to assist in the fair administration of justice by increasing the sensitivity of probation officers to domestic violence issues. On October 14, 1999, the group sponsored an all-day training forum at the Federal Judicial Center. The forum was attended by various members of the District Court and criminal justice community.

In an innovative initiative aimed at reinvigorating long-time employees, the Probation Office organized *REJUVENATION '99*. Officers and support staff hired prior to 1995 participated in a "swearing in" ceremony. As part of the initiative, the office also conducted its own version of Jeopardy during which teams of staff members competed to answer questions on topics ranging from office policy to courthouse history.

### *Changing and Improving Operations*

Beginning in fiscal year 1999, responsibility for the purchase of books and periodicals for the D.C.

Circuit was shifted from the Administrative Office of the U.S. Courts to the Judges' Library. The Library now manages the acquisition and upkeep of all books for the judges, magistrate judges and court units, as well as for the Federal Public Defender's Office.

As part of its continuing effort to provide the highest quality service to the courts, the community and the offender population, the Probation Office, in 1998, conducted a customer survey of judges and attorneys. Although the office received a great deal of positive feedback, it was also able to identify areas for improvement and has continued to strive for change in those operations. In another effort aimed at increasing efficiency and enhancing accountability, the Probation Office formed "re-engineering work groups" to review the duties and responsibilities of probation officers and support staff involved in investigations and supervision. These groups met periodically throughout 1998 and 1999 to develop specific, detailed performance plans.

### *Dispute Resolution Programs*

The D.C. Circuit is deeply indebted to the dedicated members of the bar who volunteer hundreds of hours each year to mediate many difficult cases for both the Court of Appeals and the District Court. The success of the programs is a direct result of the skillful and untiring efforts of these individuals. The courts also appreciate the willingness of counsel to cooperate with court-appointed mediators in the search for extra-judicial solutions to their clients' cases.

In 1997 the Court of Appeals commissioned a study of its mediation program. The final report was presented to the court in 1999. Chief Judge Edwards shared the findings of this report with the volunteer appellate mediators at a plenary session in November 1999. Although it contained no startling findings, the report did provide a useful vehicle for assessing and fine-tuning the appellate program.

In addition to the session with Chief Judge Edwards, the appellate mediation program also sponsored several training sessions and meetings for volunteers. Notable among these was an Oc-

tober 1999 workshop titled *Diagnosing and Overcoming Barriers to Agreement*, directed by Michael Wheeler, Professor of Management at the Harvard Business School.

The District Court mediation program celebrated its tenth anniversary in September 1999. As of that date, 2,055 cases had been referred to the program. In an innovative effort to extend the benefits of mediation to cases involving pro se litigants, a pilot program was initiated in 1998 in which volunteer attorneys are assigned to represent pro se parties for the purposes of mediation. The District Court program also sponsored a number of training sessions including a two-day seminar in September 1999 for a new class of mediators, a special class on employment law and a discussion session with the court's magistrate judges.

As in past years, program staff participated in various efforts aimed at educating litigants, the bench and the bar about the benefits of mediation. Their endeavors included participation in activities sponsored by the Federal Judicial Center and the District of Columbia Bar, as well as federal government agencies.

## D.C. Circuit Historical Society

To commemorate the 2001 bicentennial anniversary of the federal courts in the District of Columbia, the Historical Society of the District of Columbia Circuit has been planning a series of events that will focus on the courts' legacies and contributions to the community and the nation. At the close of 1999, plans included a symposium, the production of an original stage play and an education project aimed at school-aged children in the District of Columbia.

In addition, the Historical Society continues to work toward the publication of a history of the D.C. Circuit by legal historian Jeffrey Morris. The Society hopes to finalize printing arrangements within the year.

The society's Oral History Project also continues to move forward. The 25 completed oral histories of judges, lawyers and others who have played key roles in the circuit's development were

recently listed in a national cataloging database, making them widely available for interlibrary loan. They are also available in the Judges' Library, the Manuscript Reading Room of the Library of Congress, and at the Historical Society of Washington, D.C. Many additional oral histories are currently underway.



Judge Louis F. Oberdorfer, Chair, Daniel M. Gribbon, President, and Linda J. Ferren, Board Member, at a Historical Society Meeting

The Historical Society is led by Daniel M. Gribbon, President, and District Judge Louis F. Oberdorfer, Chair. The Oral History Project has been coordinated since its inception in 1994 by Stephen J. Pollak.

## Naturalization Ceremonies

Each month the District Court, together with the Daughters of the American Revolution and the Women's Bar Association, sponsors naturalization ceremonies for new citizens from around the world. Over 2,700 individuals were naturalized in 1998 and 1999. Presided over by judges of the District Court, the ceremonies usually feature an address by a distinguished guest speaker. One of the highlights of 1998 was the November ceremony at which Secretary of State Madeleine Albright reaffirmed her oath of citizenship and addressed the attendees on the fiftieth anniversary of her own naturalization.





Secretary of State Madeleine Albright congratulating new citizens at a naturalization ceremony

## Memorial Services

On May 12, 1999, over 300 people attended a memorial ceremony commemorating the life and work of Judge Spottswood W. Robinson III. A remarkable advocate and jurist, Judge Robinson was honored for his steadfast commitment to justice. Judge Robinson, who died in October of 1998, served on the District Court from 1964 to 1966, on the Court of Appeals from 1966 to 1991, and as the Chief Judge of the Circuit from 1981 to 1986. Justice Ruth Bader Ginsburg, Chief Judge Harry T. Edwards, Chief Judge Norma Holloway Johnson, Karen Hastie Williams, Esq., Professor Stephen Carter, and Professor Susan Low Bloch each gave remarks.

The District Court held a special session to honor Judge Oliver Gasch on January 19, 2000. Judge Gasch, who served on the court for 34 years, died in July 1999. The special session, organized by District Court Judge Henry H. Kennedy, Jr., paid tribute to Judge Gasch's many contributions to the legal profession, as well as his distinguished service on the District Court. Speakers included Chief Judge Norma Holloway Johnson, Judge William B. Bryant, Judge James A. Belson, Roger Whelan, Esq., Professor Janet Spragens and Michael Gasch, Esq., Judge Gasch's son.

## Courthouse Life

### *Honoring Courthouse Staff*

During the past two years, outstanding employees were honored in a variety of ways for their contributions to the operation of the courts. At its 1998 and 1999 awards ceremonies, the Court of Appeals recognized a number of staff with "Exceptional Accomplishment" awards. Each year the court also honored an outstanding employee of the year and gave "Peer Awards" to individuals selected by the Court of Appeals' staff for special recognition. In both 1998 and 1999, the District Court recognized special achievement in the areas of innovation and change, special acts, and sustained superior performance. At its annual ceremony, the Bankruptcy Court bestowed awards on employees for exceptional performance and distinguished accomplishments. The Probation Office also held annual ceremonies recognizing employees for superior performance and longevity in government service. In addition, the Probation Office gave "instant awards" throughout the year to individuals who persistently excelled in their own work and assisted the efforts of others.

### *Black History Month*

In February of 1998 and 1999, the District Court's Black History Month Committee planned a program of speakers and special events designed to educate and celebrate. Elaborating on the theme *African American Business: Path Toward Empowerment*, the 1998 speakers included: Carroll Gibbs, author, lecturer, and exhibitor of historical artifacts; Roger Blunt of Blunt Enterprises; and Professor Edward C. Smith, Director of American Studies, American University. The program also included a fashion show of original designs by Edith Aninye, as well as a recital by Bankruptcy Court employee Renee Mitchell and the *D.C. Boys' Choir*.

The Honorable Charles H. Ramsey, Chief of Police for the District of Columbia and Professor Peter Edelman of the Georgetown University



*D.C. Boys' Choir performing  
at a Black History Month Program*

School of Law were the featured speakers for the 1999 program. The committee also arranged for a return engagement by the *D.C. Boys Choir* and a poetry day featuring *Generation 2000* and *Edwina Boykin*.

#### *Women's History Month*

Courthouse employees celebrated Women's History Month in March of 1998 and 1999 with a series of ceremonies and panel discussions. In 1998 Justice Sandra Day O'Connor gave the keynote address at a program honoring pioneering women judges. Honorees included Judge Patricia M. Wald of the Court of Appeals and Judge June L. Green of the District Court. The Honorable Sylvia Bacon also paid posthumous tribute to Judge Burnita Shelton Matthews. Judge Matthews, appointed to the District Court in 1949, was the first woman to sit on the federal trial bench. The women judges of both the Court of Appeals and the District Court participated in a panel discussion entitled *Reflections from the Bench*. And, at a brown bag luncheon, Joanne Neely, Deputy U.S. Marshal, Lettie Matthews, Deputy Chief, U.S. Probation Office, Elizabeth Paret, Chief Deputy of Administration for the District Court Clerk's Office and Diane Sullivan, Assistant U.S. Attorney, addressed the topic, *Groundbreaking Women in the Courthouse*.

In 1999 the Honorable Donna E. Shalala, Secretary of the Department of Health and Human Services, spoke on the topic of women's achievements in the 20<sup>th</sup> Century. A panel discussion on *The Evolving Role of Women* featured the Honorable Patricia M. Wald, the Honorable Constance A. Morella, D.C. Council Member Carol Schwartz and Barbara Harrison of NBC4 News. Wilma A. Lewis, United States Attorney, Elaine R. Jones, President and Director-Counsel, NAACP Legal



Following a Women's History Month Program, Justice O'Connor and Chief Judge Johnson are joined by Judge (Joyce) Green, Judge Rogers, The Honorable Sylvia Bacon, Judge Wald, Judge Kollar-Kotelly Judge (June) Green and Judge Kessler

Defense & Educational Fund, and Linda D. Rabbitt, President, Rand Construction Corporation, participated in a panel entitled *Breaking the Glass Ceiling*.

#### *Take Our Daughters to Work Day*

In 1998 and 1999, the daughters of circuit employees were treated to day-long programs designed to pique their interest in the various jobs associated with the administration of justice. Organized by the District Court Clerk's Office, the 1998 program included a tour of the electronic

courtroom, the viewing of a line-up at police headquarters and tea with the Clerk of the District Court, Nancy Mayer-Whittington, Jennifer Blunt of the Federal Public Defender's Office, and Courtroom Deputy Angela Caesar-Mobley. Participants also served as jurors in the mock trial *District of Columbia v. Ms. Wolf*. In 1999, the girls toured the cell block with U.S. Deputy Marshal Joanne Neely and shared lunch with Sara Delgado, Circuit Architect, Tracy Hauser, Special Assistant to the Circuit Executive, and Carrie Johnson, a reporter for the *Legal Times*.

### *Tutoring*



The annual year-end celebration  
at J. O. Wilson

In 1997 Court of Appeals staff organized a tutoring program at J.O. Wilson Elementary School in Southwest Washington. District Court employees joined the program in 1999. Twice a week court staff assist students, one-on-one, with basic arithmetic, reading and writing. More than 35 employees contribute their time twice each month. In addition, court staff have donated supplies, books and games to the children and sponsored an annual year-end celebration.